

CITY OF NORTON SHORES
ZONING BOARD OF APPEALS
October 20, 2021

A regular meeting of the Norton Shores Zoning Board of Appeals held at Norton Branch Library Community Room was called to order on Wednesday, October 20, 2021 at 5:30 p.m.

Present: Chairperson Hill; and, Board Members Maniates, Parker, Philips, White and Wisniewski; also, Doug Hughes, Ted Woodcock and Sarah Romine.

Absent: Board Member Sowa

21-A09 Minutes

Board Member Parker moved to approve the minutes of the September 15, 2021 Zoning Board of Appeals meeting. The motion was supported by Board Member Wisniewski and carried unanimously.

21-A10 Variance Request – 3694 Peninsula Drive, LeRoux Residence

The Recording Secretary certified the October 8, 2021 mailing and publishing of the notice.

City Planner Ted Woodcock gave the board a brief overview of the request stating that the applicant is requesting an approximately 720 square foot attached garage at a single-family residence. Mr. Woodcock stated that the applicant is requesting a front yard setback of 14' 8" and that the R-3 zoning requires at least a 30-foot front yard setback. Mr. Woodcock stated that the applicant will be utilizing the attached garage for vehicles and storage.

A public hearing was held. Mr. Gene Lanore, who resides at 3674 Peninsula Drive, stated that he will be the most affected neighbor in regard to the smaller setback and he has no issues with them moving forward and he believes that it will be aesthetically pleasing for the neighborhood. Shane LeRoux, 6723 Westshire Drive, spoke on behalf of his parents who are the applicants. Mr. Leroux stated that his parents were unable to attend the meeting so he is representing them. Mr. Leroux stated that his parents are looking to have car storage in the winter and are looking to replace a current shed and retaining wall that are unpleasing to the eye.

Recording Secretary Sarah Romine informed the board that letters had been received from several neighbors who are in support of this Variance which included; Don & Mickey Mosely at 3654 Peninsula Drive, Fred Meston & Kristine Mast at 3732 Peninsula Drive, Dan & Marissa Spoelman at 3762 Peninsula Drive, Gene Lanore at 3674 Peninsula Drive, and Shawn & Randy Norden at 3776 Peninsula Drive. City Attorney Doug Hughes reminded the board that there are

reasons for approving or denying the motion on the resolution and he encourages the members to give their reasons as clearly as possible when making a motion. Board Member Wisniewski read to the board the general requirements that are written on the Variance application and emphasized that the applicant must prove a hardship that is unique to their situation rather than one that represents a minor inconvenience. Board Member Wisniewski made a motion to deny a Variance to allow John Reek, on behalf of the property owner, to construct an attached garage to be 14'8" from the front property line due to, 1.) the variance not being in harmony with the general purposes and intent of the Ordinance because no other property is close to the road, 2.) There are not practical difficulties in carrying out the strict letter of the Ordinance, 3.) The variance is substantial as it relates to the zoning requirements, because it brings into it the credibility of the Zoning Board of Appeals, and 4.) The Variance will substantially change or affect the character of the neighborhood because no other structures are that close to the road. The motion was supported by Board Member Parker. Board Member Wisniewski pointed out that on the site plan every house in the area is the same distance from the road and this Variance would cause the applicant to encroach on the road. Board Member Parker stated that there are ordinances for a reason and there seems to be not detrimental hardship and by allowing this Variance they could be setting a precedent. Board Member Maniates stated that the ZBA does not set precedent, that each request is based on itself. Board Member Maniates stated that the applicant's property is pie-shaped and could pose a difficulty when trying to place a garage on the property and that the waterfront poses an obstacle as well. There was discussion between Mr. Hughes and Board Member Maniates regarding the level of neighborhood support. Chairperson Hill asked if the homeowner had considered putting the garage alongside the house. Mr. Alan Majeski, 4103 Dunes Parkway, the applicant's architect stated that because of the property shape in relation to the side property lines only a one-stall garage could be placed beside the home. Board member Parker asked Mr. Woodcock for clarification regarding front yard setbacks and how they are justified. Mr. Woodcock explained that each zoning district has differing setbacks based on lot size and percentage of the property that can be built on. Mr. Woodcock stated that a large portion of the residential areas are zoned R-3 and that the current setbacks were established back in 1981. Mr. Hughes explained that the standards we have in place have been the same for 40 years and that careful consideration goes into choosing or maintaining setbacks, and that the setbacks are pretty standard. Mr. Majeski asked Mr. Woodcock if any consideration was taken into account regarding the home being lakefront. Mr. Woodcock stated that the lakefront side is considered front yard as well as the roadside, which actually means the setback would be smaller, considering the rear yard setback in R-3 is 40 feet. Board Member Parker revisits why the front yard setback is what it is and wonders what will happen if the Variance is approved, what, if any, negative impacts will it have. Board Member White asked about the existing retaining wall and if that required a Variance and if that Variance might somehow allow the

front yard setback that is being requested. Mr. Woodcock stated that staff had looked into it and no Variance was found. Hearing no more questions from the board, Chair Hill called for a vote which was denied 5/1 by a roll call vote with Board Member Wisniewski in favor and Board Member Sowa absent.

Board Member Maniates made a motion to approve the variance to allow John Reek, on behalf of the property owner, to construct an attached garage to be 14'8" from the front property line, a deviation from City Ordinance of 15'4" for the minimum front yard setback in the R-3 Single Family Residential zoning district based on, B.) That there are practical difficulties in carrying out the strict letter of the Ordinance., E.) The Variance will not substantially change or affect the character of the neighborhood., and G.) It is not a difficulty that can be obviated by some feasible method other than the granting of the Variance. The motion was supported by Board Member White. Chair Hill called for a vote which was approved 5/1 by a roll call vote with Board Member Wisniewski against and Board Member Sowa absent.

General Comments

None.

Meeting adjourned at 6:08 p.m.



Sarah Romine, Recording Secretary